

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSEPH WEIDEMAN,)	CASE NO. 5:15-cv-1881
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
DAVE DOAK, et al.,)	
)	
DEFENDANTS.)	

Before the Court is the report and recommendation of Magistrate Judge George Limbert, recommending that defendant Carol Miller’s motion to dismiss or for summary judgment be granted in part and denied in part, and that plaintiff’s state law claims be dismissed without prejudice. (Doc. No. 64 [“R&R”].) A copy of the R&R was mailed to plaintiff at his address of record on March 21, 2017.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

Neither side has filed objections to the R&R. The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by

the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Limbert's report and recommendation and adopts the same. Accordingly, defendant Carol Miller's motion is: (1) granted insofar as it requests dismissal of all federal claims with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) and dismissal of the pendant state law claims without prejudice; (2) denied as moot insofar as it requests dismissal of all claims pursuant to Fed. R. Civ. P. 12(b)(1) and (5); (3) denied moot insofar as it requests dismissal of all claims pursuant to Fed. R. Civ. P. 4(m); and (4) denied as moot insofar as it requests that summary judgment be granted in favor of defendant on all claims pursuant to Ohio Rev. Code § 2117.06. (Doc. No. 55.)

All claims against all other defendants having been previously dismissed (Doc. No. 63), this case is dismissed in its entirety and closed. A judgment entry will be separately published.

IT IS SO ORDERED.

Dated: April 12, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE